

## REMARKS/ARGUMENTS

Claims 1-10, 13-19, 21-36, and 38-40 were pending of which Claims 1, 2, 7, 10, 13, 15, 16, 18, 24-29, 31, and 33-35 were rejected; Claims 19, 21-23, 36, and 38-40 were allowed; and Claims 3-6, 8, 9, 14, 17, 30, 32 and 37. Claims 3, 5, 6, 8, 9, 14, 15, 28, and 32, are amended in this amendment and Claims 1, 2, 7, 10, 13, 16, 17, 24, 25, 26, 27, 29, 30 are cancelled.

Claim 1 has been amended to recite “calculating a current frame bit rate using the complexity ratio of the current frame” and “calculating a current frame bit rate using the complexity ratio of the current frame”. These amendments are supported by the specification at paragraph [0012], which recites “a frame complexity calculation unit calculates a complexity ratio for the current frame.”

Claim 2 has been amended to recite “calculating a local complexity of the current frame” and “calculating a global complexity of a plurality of frames”. These amendments are supported by the specification at paragraph [0028] which recites “Frame complexity calculation unit 720 calculates picture complexity for the current frame (i.e. local complexity) as well as tracking the picture complexity of previous frames (i.e. global complexity).”

Claim 3 is amended to include the limitations of Claims 1 and 2. This amendment is supported by at least previous Claims 1, 2, and 3.

Claim 5 is amended to include the limitations of Claims 1 and 2. This amendment is supported by at least previous Claims 1, 2, and 5.

Claim 6 is amended to include the limitations of Claims 1 and 2. This amendment is supported by at least previous Claims 1, 2, and 6.

Claim 8 is amended to include the limitations of Claims 1 and 7. This amendment is supported by at least previous Claims 1, 7, and 8.

Claim 9 is amended to include the limitations of Claims 1 and 7. This amendment is supported by at least previous Claims 1, 7, and 9.

Claim 14 is amended to include the limitations of Claims 1, 10, and 13. This amendment is supported by at least previous Claims 1, 10, 13, and 14.

Claim 15 is amended to include the limitations of Claims 1, 16, and 17. This amendment is supported by at least previous Claims 1, 15, 16, and 17.

Claim 28 is amended to include the limitations of Claims 29 and 30. This amendment is supported by at least previous Claims 28, 29, and 30.

Claim 32 is amended to include the limitations of Claims 28 and 31. This amendment is supported by at least previous Claims 28, 30, and 31.

The Examiner objected to Claims 3-6, 8, 9, 14, 17, 30 and 32 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 3, 5, 6, 8, 9, 14, and 32 have been rewritten in independent form including the limitations of the base claims and any intervening claims. Furthermore, Claim 15 has been rewritten in independent form to include the limitations of Claims 1, 16, and 17 (i.e. the independent claim and intervening claims for Claim 17) and Claim 28 has been rewritten in independent form to include the limitations of Claim 28 and 30 (i.e. the independent claim and intervening claims for Claim 30). Thus, the scope of the newly independent claims are equivalent to the scope of previously dependent claims.

No new matter has been added in the claims.

#### Claim Rejections – 35 U.S.C. §102

Claims 1-2, 7, 15-16, and 18 U.S.C.C. §102(b) as being anticipated by Uz (US 5682204). Applicants respectfully submit that the rejection of Claims 1, 2, 7 have been rendered moot by the cancellation of Claims 1, 2, and 7.

The Examiner also stated that Claim 17, would be allowable if rewritten in independent form including the limitations of the base claims and any intervening claims. Prior to this amendment Claim 17 depended from Claim 16, which depended on Claim 15, which depended on Claim 1. Claim 15 has been rewritten in independent form to include the limitations of Claims 1, 15, 16, 17. Thus Applicant respectfully submits that amended Claim 15 is allowable. Claim 18 depends from amended Claim 15. Therefore, Applicant respectfully submits that Claim 18 is likewise allowable. According, respectfully request reconsideration and withdrawal of the rejections of Claim 15 and 18.

#### Claim Rejections – 35 U.S.C. §103

Claims 10 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Uz in further view of Golin (US 5265180). Applicant respectfully submits that the rejection of Claims 10 and 13 are rendered moot by the cancellation of Claims 10 and 13.

Claims 24-29, 31, and 33-35 were rejected 35 U.S.C. §103(a) as being unpatentable over Uz. Applicant respectfully submits that the rejection of Claims 24-27 are rendered moot by the cancellation of Claims 24-27.

Furthermore, Applicant respectfully submits that the rejection of Claims 31, and 33-35 are rendered moot by the amendment of Claim 28 (from which Claims 31 and 33-35 depend) to include the limitations of Claims 29 and 30. Specifically, the Examiner stated that Claim 30 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Thus, Applicant respectfully submit that Claim 28 is allowable. Accordingly, Applicant respectfully submits that Claims 31 and 33-35, which depend from Claim 28 is likewise allowable.

### **Allowable Subject Matter**

The Examiner stated that Claims 19, 21-23, 36 and 38-40 are allowed. Applicant gratefully acknowledges the Examiner's allowance of these claims.

Furthermore, the Examiner stated that Claims 3-6, 8-9, 14, 17, 30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. As explained above, Claims 3, 5, 6, 8, 9, 14 and 32 have been rewritten in independent form including all the limitations of the base claim and any intervening claims. Furthermore, Claim 10 has been rewritten in independent form to include the limitation of the base claim of Claim 14, the intervening claims of Claim 14, and claim 14. Similarly, Claim 28 has been rewritten to include the limitations of the claims 29 and 30. Finally applicant submits that Claim 5 now depends on rewritten independent Claim 4 and thus is allowable. Accordingly, Applicant respectfully request reconsideration and withdrawal of the objections.

## CONCLUSION

Claims 1-10, 13-19, 21-36, and 38-40 were pending of which Claims 1, 2, 7, 10, 13, 15, 16, 18, 24-29, 31, and 33-35 were rejected; Claims 19, 21-23, 36, and 38-40 were allowed; and Claims 3-6, 8, 9, 14, 17, 30, 32 and 37. Claims 3, 5, 6, 8, 9, 14, 15, 28, and 32, are amended in this amendment and Claims 1, 2, 7, 10, 13, 16, 17, 24, 25, 26, 27, 29, 30 are cancelled. Thus Claims 3-6, 8-9, 14, 15, 18, 19, 21-23, 28, 32, 33-35, 36 and 38-40. For the above reasons, Applicants respectfully request allowance of all pending Claims. Should the Examiner have any questions concerning this response, the Examiner is invited to call the undersigned at (408) 857-0559.

### CERTIFICATE OF TRANSMISSION/MAILING

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*Feb 19, 2007*

Date of Signature

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